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March 8, 2006

VIA ELECTRONIC FILING AND FACSIMILE

Judge Kiyo A. Matsumoto
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Restani Construction Corp v. Fidelity and Guaranty Insurance Co.
Case No 05-CV-155 (ARR)(KAM)

Honorable Matsumoto:

This office represents Defendant in the above captioned action.

On March 3, 2006, your Honor ordered that the parties file the Stipulation of Discontinuance in the above referenced action. Unfortunately, I am unable to file the stipulation today. As I previously wrote the Court, Plaintiff has not returned an executed copy of the Stipulation of Settlement, confirming the terms of the settlement. Additionally, Plaintiff has edited one of the settlement documents, specifically, The Final Waiver Of Lien, to omit language in the Final Waiver of Lien that provides that if one of Plaintiff's suppliers or subcontractors files a mechanic's lien (claiming that Plaintiff has not paid them for work performed or materials supplied to the underlying project), than Plaintiff will indemnify Defendant.

I have attempted to contact Plaintiff's attorney regarding this issue, but was told that Mr. Asselta would be out of the office for the rest of the week. I spoke with Mr. Asselta's associate, David Loglisci, however, Mr. Loglisci informed me that he did not have the authority to make the requested change.

Accordingly, I hereby request that this Court grant an additional two weeks, until March 22, 2006, for the parties to address this issue and to file the Stipulation of Discontinuance.

Respectfully,



Brian J.
Markowitz
Brian J. Markowitz

Digitally signed by
Brian J. Markowitz
DN: cn=Brian J.
Markowitz, o=US
Date: 2006.03.08
16:14:58 -0500

cc: Joseph P. Asselta, Esq., (via Facsimile and ECF)
Attorney for Plaintiff

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